

REMARKS

In the Office Action dated January 26, 2005, claims 1-7, 10-15, 19-27, 30, 39-42, 44-46, 50, and 51 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 4,839,644 (Safinya); claims 1, 8, 9, 16-19, 23, 28-30, 34-39, 43, and 47 were rejected under § 102 over U.S. Patent No. 6,192,980 (Tubel); claims 52-55 were rejected under § 102 over U.S. Patent No. 5,172,112 (Jennings); and claims 31-33 and 48 were rejected under § 103 over Safinya in view of U.S. Patent No. 4,578,675 (MacLeod).

Applicant acknowledges the indication that claim 56 would be allowable if rewritten in independent form. Claim 56 has been amended into independent form, and is thus now in condition for allowance.

The rejection of independent claim 51 is addressed first. Independent claim 51 recites a system for using a well, comprising a first device positioned in the well, a second device remotely located with respect to the first device, and means for transferring data between the first device and second device using short-range wireless communication operating without the need for a central network. Claim 51 was rejected as being anticipated by Safinya. The rejection of claim 51 was grouped with other claims (claims 11, 14, 15, and 44-46). 1/26/2005 Office Action at 2. However, in this rejection, no mention was made regarding the use of short-range wireless communication. It is respectfully noted that Safinya does not use "short-range wireless communication." In fact, Safinya describes a long-range communication between a surface uphole antenna 161 (Fig. 1 of Safinya) and a downhole antenna 149. Therefore, it is respectfully submitted that Safinya does not disclose means for transferring data between the first device and a second device using short-range wireless communication.

Claim 51 is thus not anticipated by Safinya.

Claim 1 has been amended to recite a system having a plurality of wireless network devices in a well, where the plurality of wireless network devices in the well communicate wirelessly using a protocol that defines short-range wireless communication. As discussed above, this feature is not disclosed by Safinya. Tubel also fails to disclose a protocol that defines short-range wireless communication. As discussed in column 9 of Tubel, the downhole control systems 22 interface to the surface system 24 using a wireless communication system or a wired

connection. Tubel, 9:46-48. Thus, what is contemplated in Tubel is a long-range wireless communication protocol.

Therefore, claim 1 is not anticipated by either Tubel or Safinya.

Independent claim 39 is similarly allowable over Tubel and Safinya.

Claim 2 recites a system for use in a well that comprises a plurality of wireless network devices in the well, where the plurality of wireless network devices communicate wirelessly using a Bluetooth wireless communication protocol. Use of a Bluetooth protocol is not disclosed by either Safinya or Tubel.

Independent claim 40 has been similarly amended to recite a Bluetooth wireless communication protocol. Therefore, claim 40 is also allowable over Safinya or Tubel.

New dependent claims 67-69 which depend from claims 1, 39, and 51, respectively, recite the Bluetooth protocol, which is not disclosed by either Safinya or Tubel.

Claim 31 has been amended from dependent form to independent form, with the scope of the claim remaining *unchanged*. Claim 31 was rejected as being obvious over Safinya and MacLeod. Claim 31 recites a tool having a first wireless network device, the tool movable in a well, and at least a second wireless network device in the well located at a predetermined position therein. A depth correlation circuitry in the tool is in communication with the first wireless network device in the tool to detect a signal from the first wireless network device for determining the depth of the tool in the well, where the signal from the first wireless network device is based on wireless communication between the first and second wireless network devices.

As conceded by the Office Action, Safinya fails to disclose the depth correlation circuitry. 1/26/2005 Office Action at 6. However, the Office Action relied upon MacLeod as teaching this missing feature. The Office Action cited column 14, lines 53-62, as teaching a depth measure device 338. Note that the depth measure device 338 is depicted in Fig. 7A, which is a functional diagram of a surface recording and control unit. MacLeod, 6:18-19. Thus, the measuring device 338 of MacLeod is not a depth correlation circuitry in the tool that is movable in the well, as recited in claim 31.

The hypothetical combination of Safinya and MacLeod thus fails to teach or suggest all elements of the claim. Therefore, a *prima facie* case of obviousness cannot be established with respect to claim 31 over Safinya and MacLeod.

Newly added independent claim 57 is also allowable over the cited references, as none of the references teach or suggest a system for use in a well that comprises a tool containing a first wireless network device, the tool movable in the well during a downhole operation; a second wireless network device for location in the well, where the first wireless network device is *outside a wireless communication range of the second wireless network device until the tool is moved into proximity of the second wireless network device.*

Claims dependent from claim 57 are allowable for at least the same reasons.

Independent claims 52 and 55 were rejected as anticipated by Jennings. As amended, claims 52 and 55 are not anticipated by Jennings, which discloses light-based communication, not communication based on a radio frequency wireless protocol.

All dependent claims, including newly added claims 58-69, are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (SHL.0270US).

Respectfully submitted,

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